HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1190 (S/S) 2005

1. Gulshan S/o Sri Ramesh,
2. Ramesh S/o Sri Ramman,
3. Pradeep Kaur S/o Sri Tunnhe,
4. Ravindra Kumar S/o Sri Ramesh,
   Petitioner no. 1 to 4 R/p Barahaat, Uttarkashi,
5. Sanjay s/o Sri Pancham,
6. Ram Lal S/o Sri Samle,
   R/o Charrat Mohalla,,
   District Uttarkashi. -----Petitioners.

Vs.

1. Municipal Board, Uttarkashi, through its Executive Officer,
2. Chairman, Municipal Board, Uttarkashi,
3. Director Local Bodies,
   Uttaranchal Sashan, Dehradun. ----Respondents.

Sir Sharad Sharma, learned counsel for the petitioners.
Sri H.M. taruri, learned counsel for respondent nos. 1 & 2.
Learned Standing Counsel for respondent no. 3.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sharad Sharma, learned counsel for the petitioners, Sri. H.M. Raturi, learned counsel for the respondent nos. 1 & 2 and learned Standing Counsel who has accepted notice for the respondent no. 3.

Both the parties are agreed that the writ petition may de decided at the admission stage itself.

By means of this writ petition, the petitioners has challenged the order dated 11.08.2005 passed by the Chairman, Nagar Palika Parishad, Uttarkashi, canceling the appointment of the petitioners dated 15.07.2005.

Submission of the petitioners is that the petitioners were already working on contract basis as 'Safai Karmchari' with the Nagar Palika Parishad, Uttarkashi since for the last more than 10 years and were appointed on 15.07.2005, by the duly constituted Selection Committee, on regular basis. This order of appointment on regular basis has been cancelled by the Chairman, Nagar Palika Parishad, Uttarkashi without affording any opportunity of hearing to the petitioners, as such, the order impugned is illegal and liable to be quashed.

In the order impugned, the Chairman has indicated that while making the appointment on regular basis, so many irregularities have been committed by the Selection Committee such as; there were only five posts to be filled up but the Executive Officer has appointed six persons; while making appointments on regular basis, the seniority of the employees working on the contract basis was not taken into consideration by the Selection Committee and again since one post was kept reserved for woman candidate, the Selection Committed has not provided appointment to any woman on regular basis. On these grounds, the Chairman Nagar Palika, Uttarkashi has cancelled the appointments made on 15.07.2005. Since cancellation of the appointment of the petitioners was passed by the Chairman without affording any opportunity of hearing to the petitioners, therefore, the same is liable to be quashed.

Keeping in view the facts and circumstances mentioned above, the Commissioner, Garhwal Mandal, Pauri is directed to appoint an Inquiry Officer, superior in rank to the Executive Officer, Nagar Palika Parishad, Uttarkashi, to hold inquiry in the matter and the Inquiry Officer shall conclude the inquiry within ten day from the date when the Commissioner appoints the Inquiry Officer. The Inquiry Officer shall afford opportunity of hearing to the petitioners. Thereafter, on the basis of the

inquiry report, the Executive Officer, Nagar Palika Parishad, Uttarkashi shall pass final order within a week from the date of submission of inquiry report. The whole exercise shall be concluded within six weeks from today. The order dated 11.08.2005 is hereby quashed, however till the final order is passed by the Executive Officer, Nagar Palika Parishad, Uttarkashi, after receiving the inquiry report from the Inquiry Officer appointed by the Commissioner, the petitioners shall be paid salary as were being paid earlier to 15.07.2005.

The writ petition is finally disposed of accordingly.

(M.M.Ghildiyal, J.)

August 24, 2005:
NCM: